

**DECISION  
GRAFTON PLANNING BOARD**

RECEIVED TOWN CLERK  
GRAFTON, MA

**DEFINITIVE SUBDIVISION PLAN  
"GRISTMILL VILLAGE" SUBDIVISION**

2015 DEC 1 AM 9 43

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**Off 4 Grist Mill Road & Pleasant Street, Grafton, MA  
(Assessor's Map 97, Lot 22A; and Map 98, Lot 2)**

Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Casa Builders, P.O. Box 1205, Westborough, MA 01581 (hereinafter the Applicant / Owner), for a Definitive Plan Approval for a 10 lot Conventional Development Residential Subdivision on property located at 4 Grist Mill Road, and shown as Grafton Assessor's Map 97, Lot 22A & Map 98, Lot 2 (hereinafter the Site), and owned by Maintanis Realty Trust by declaration recorded in the Worcester District Registry of Deeds (WDRD) in Book 43189, Page 162; and William J. & Mary J. Maintanis & Stephen A. Wilson by declaration recorded in the WDRD in Book 29119, Page 38.

## **I. BACKGROUND**

The application for Approval of a Definitive Subdivision Plan (hereinafter Application) was filed with the Planning Board April 21, 2015. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 20 and May 27, 2015, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. The public hearing on the Application was opened on June 8, 2015 and continued on July 13, August 10, August 24, September 14, October 26, November 23 and November 30, 2015. During the public hearings, all those wishing to speak to the petition were heard. Following public input the hearing was closed on November 30, 2015.

The following Board members were present throughout the public hearing: Sargon Hanna, Linda Hassinger, Robert Hassinger, Michael Scully, David Robbins. At the hearing, John Grenier of J.M. Grenier Associates, Inc. represented the Applicant and presented the proposal. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

Multiple requests to extend the time to file a decision was granted by the Applicant due to the Applicant's request to continue the public hearing beyond the allowable time for the Board to make and file a Decision. Requests were made and granted as follows:

- First Request: extend time to file a Decision to September 18, 2015 (see EXHIBIT #18).
- Second Request: extend time to file a Decision to September 25, 2015 (see EXHIBIT #23).
- Third Request: extend time to file a Decision to November 6, 2015 (see EXHIBIT #25).
- Fourth Request: extend time to file a Decision to November 23, 2015 (see EXHIBIT #28).
- Fifth Request: extend time to file a Decision to December 1, 2015 (see EXHIBIT #40).

## **II. SUBMITTALS**

The following items were submitted to the Board for its consideration of this application:

**EXHIBIT 1.** Unbound application packet submitted by J.M. Grenier Associates, Inc., received April 21, 2015, including the following:

- Correspondence from J.M. Grenier Associates, Inc., Definitive Subdivision “Gristmill Village”, Map 97 Parcel 22A & Map 98 Parcel 2, Grafton, Massachusetts, 01519; dated March 13, 2015; includes waiver requests; 4 pages.
- Application for Approval of Definitive Plan, dated February 26, 2015; 1 page.
- Application for Approval of Definitive Plan, Area Within a Subdivision, dated March 13, 2015; 1 page.
- Application for Approval of Definitive Plan, Land Surveyor’s Certificate, dated March 13, 2015; 1 page.
- Application for Approval of Definitive Plan, Engineer’s Certificate dated March 13, 2015; 1 page.
- Application for Approval of Definitive Plan, Verification of Proposed Street Names, dated March 13, 2015; 1 page.
- Application for Approval of Definitive Plan, Project Information Summary, dated March 13, 2015; 11 pages.
- Certified Abutters List, signed by the Board of Assessors Office Manager, no date; 2 pages.
- Certificate of Good Standing signed by the Treasurer / Collector’s Office on March 31, 2015; 1 page.
- Stormwater Management Report, “Gristmill Village” Definitive Plan, Conventional Development, Grafton, Massachusetts, March 13, 2015; prepared by J. M. Grenier Associates, Inc.; 67 pages.
- Plan; “Gristmill Village” Definitive Plan – Proof Plan, prepared by J. M. Grenier Associates Inc.; dated April 10, 2015; 11” X 17” and 24” x 36”, black and white; 1 page.
- Plan; “Gristmill Village” Definitive Plan – Tree Plan, prepared by J. M. Grenier Associates Inc.; dated April 10, 2015; 11” X 17” and 24” x 36”, black and white; 1 page.
- Plan Set: Lot Development Plan: “Gristmill Village” Subdivision; prepared by J.M. Grenier Associates Inc.; dated March 13, 2015; 11” X 17”, black and white; includes the following:
  - C – 0.0.....Cover Sheet
  - C – 1.0.....Existing Conditions Plan 1/2
  - C – 2.0.....Existing Conditions Plan 2/2
  - C – 3.0.....Site Plan
  - C – 4.0.....Site Plan for Northeast lots
  - C – 5.0.....Layout and Materials Plan 1/2
  - C – 6.0.....Layout and Materials Plan 2/2
  - C – 7.0.....Grading and Drainage Plan
  - C – 8.0.....Utility Plan
  - C – 9.0.....Roadway Profile Plan 1/5
  - C – 10.0.....Roadway Profile Plan 2/5
  - C – 11.0.....Roadway Profile Plan 3/5
  - C – 12.0.....Roadway Profile Plan 4/5
  - C – 13.0.....Roadway Profile Plan 5/5

- C – 14.0.....Erosion & Sedimentation Control Plan
- C – 15.0.....Detail Plan 1/2
- C – 16.0.....Detail Plan 2/2

- EXHIBIT 2.** Correspondence from Graves Engineering, Inc.; “Gristmill Village” Subdivision – Definitive Plan and Stormwater Review; dated May 5, 2015; received on May 13, 2015; 5 pages.
- EXHIBIT 3.** Project Review Memorandum; Zoning Board of Appeals; received May 26, 2015; 1 page.
- EXHIBIT 4.** Project Review Memorandum; Board of Health; received May 28, 2015; 2 pages
- EXHIBIT 5.** Project Review Memorandum; Board of Assessors; received June 2, 2015; 2 pages
- EXHIBIT 6.** Project Review Memorandum; Sewer Department; received June 2, 2015; 3 pages.
- EXHIBIT 7.** Public Hearing Sign In Sheet for the June 18, 2015 hearing, 1 page.
- EXHIBIT 8.** Written Request, Public Hearing Continuance; To Continue the Public Hearing to July 13, 2015; submitted at the June 8, 2015 Public Hearing; 1 page.
- EXHIBIT 9.** Image of sample bike path in lieu of sidewalks; black & white, 8 ½ x 11; no date; received at the July 13, 2015 Public Hearing; 1 page.
- EXHIBIT 10.** Public Hearing Sign In Sheet for the July 13, 2015 hearing, 1 page.
- EXHIBIT 11.** Written Request, Public Hearing Continuance; To Continue the Public Hearing to August 10, 2015; submitted at the July 13, 2015 Public Hearing; 1 page.
- EXHIBIT 12.** Revised Application Materials submitted by J. M. Grenier Associates, Inc., received July 14, 2015; includes the following:
- Correspondence from J. M. Grenier Associates Inc.; re: Definitive Plan Conventional Development “Gristmill Village” Map 97, Parcel 22A & Map 98 Parcel 2 Grafton, Massachusetts 01519; Additional Waiver Requests.; dated July 13, 2015; 6 pages.
  - Correspondence from J. M. Grenier Associates Inc.; re: Definitive Plan Conventional Development “Gristmill Village” Map 97, Parcel 22A & Map 98 Parcel 2 Grafton, Massachusetts 01519; Response to Comments from Graves Engineering; .; dated July 13, 2015; 6 pages.
  - Stormwater Management Report, “Gristmill Village” Definitive Plan, Conventional Development, Grafton, Massachusetts, March 13, 2015, revised July 13, 2015; prepared by J. M. Grenier Associates, Inc.; 67 pages.
  - Plan Set; “Gristmill Village” Definitive Plan Conventional Development; submitted by J. M. Grenier Associates Inc.; 24” x 36” and 11” x 17”, black & white; received July 14, 2015; includes the following:
    - Sheet 1 of 17 ..... Cover Sheet
    - Sheet 2 of 17 ..... Existing Conditions Plan 1/2
    - Sheet 3 of 17 ..... Existing Conditions Plan 1/2
    - Sheet 4 of 17 ..... Existing Conditions Plan 2/2
    - Sheet 1 of 2 ..... Definitive Plan Subdivision of Land
    - Sheet 2 of 2 ..... Definitive Plan Subdivision of Land
    - Sheet 6 of 17 ..... Layout and Materials Plan 1/2
    - Sheet 7 of 17 ..... Layout and Materials Plan 2/2

- Sheet 8 of 17 ..... Grading and Drainage Plan
- Sheet 9 of 17 ..... Utility Plan
- Sheet 10 of 17 ..... Roadway Profile Plan 1/5
- Sheet 11 of 17 ..... Roadway Profile Plan 2/5
- Sheet 12 of 17 ..... Roadway Profile Plan 3/5
- Sheet 13 of 17 ..... Roadway Profile Plan 4/5
- Sheet 14 of 17 ..... Roadway Profile Plan 5/5
- Sheet 15 of 17 ..... Erosion & Sedimentation Control Plan
- Sheet 16 of 17 ..... Detail Plan 1/2
- Sheet 17 of 17 ..... Detail Plan 2/2

- EXHIBIT 13.** Mullin Rule Certification for the June 8, 2015 Public Hearing; signed by Sargon Hanna, dated and received July 20, 2015; 1 page.
- EXHIBIT 14.** Correspondence from Grafton Fire Department; re: Definitive Subdivision “Gristmill Village”; dated July 22, 2015; received July 23, 2015; 1 page.
- EXHIBIT 15.** Correspondence from Graves Engineering, Inc.; re: Gristmill Villages Definitive Plan and Stormwater Review; dated July 27, 2015; received July 29, 2015; 6 pages.
- EXHIBIT 16.** Memorandum to the Planning Board; re: Gristmill Village – Town Planner Comments on road length waiver; dated August 7, 2015; 2 pages.
- EXHIBIT 17.** Public Hearing Sign In Sheet for the August 10, 2015 hearing, 1 page.
- EXHIBIT 18.** Written Request, Public Hearing Continuance; To Continue the Public Hearing to August 24, 2015; submitted at the August 10, 2015 Public Hearing; includes written authorization to extend the period to file a decision with the Town Clerk to September 18, 2015; 1 page.
- EXHIBIT 19.** Revised Plan; “Gristmill Village” Definitive Plan, Grading and Drainage Plan, Sheet 8 of 17; 8 ½ x 11”, black & white; dated March 13, 2015, received August 20, 2015; 1 page.
- EXHIBIT 20.** Revised Plan; “Gristmill Village” Definitive Plan, Grading and Drainage Plan, Drainage Easement Detail; 8 ½ x 11”, black & white; no date, received August 20, 2015; 1 page.
- EXHIBIT 21.** Revised Plan; “Gristmill Village” Definitive Plan Utility Plan; 8 ½ x 11”, black & white; dated March 13, 2015, received August 20, 2015; 1 page.
- EXHIBIT 22.** Email Correspondence from Graves Engineering, Inc., RE: Grafton – Gristmill Village, Pleasant Street; received August 25, 2015; 2 pages.
- EXHIBIT 23.** Email Correspondence from Steven Venincasa, RE: Need for extension of time to file decision to September 25, 2015; received September 14, 2015; 1 page.
- EXHIBIT 24.** Planning Board Decision, Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval, “Gristmill Village” Subdivision, 4 Grist Mill Road & Off Pleasant Street, Grafton, MA, Casa Building & Developers Corp. (Applicant) Maintainis Realty Trust and William J. & Mary J. Maintainis & Stephen A. Wilson (Owner); stamped with Town Clerk on May 22, 2014; 20 pages.
- EXHIBIT 25.** Written Request from Steve Venincasa for Public Hearing Continuance to October 26, 2015 and Extend the Date for Filing the Decision to November 6, 2015; received at the September 21, 2015 public hearing; 1 page.

- EXHIBIT 26.** Email Correspondence from Steven Venincasa, RE: Need for extension of time to file decision to November 12, 2015; received October 26, 2015; 1 page.
- EXHIBIT 27.** Public Hearing Sign In Sheet, October 26, 2015; 1 page.
- EXHIBIT 28.** Written Request from Steve Venincasa for Public Hearing Continuance to November 23, 2015 and Extend the Date for Filing the Decision to November 30, 2015; received at the October 26, 2015 public hearing; 1 page.
- EXHIBIT 29.** Building Lot / Street Number Assignments, shown on Sheet 8 of 17 of the “Gristmill Village” grading and drainage plan; 8 ½ x 11”, color; received October 29, 2015; 1 page.
- EXHIBIT 30.** Planning Board Decision, MRSP 2013-9, Major Residential Special Permit & Preliminary Plan Approval, “Gristmill Village” Subdivision; 20 pages includes Certificate of No Appeal; filed with the Worcester District Registry of Deeds on September 18, 2015; Book 54313, Page 174; received November 18, 2015.
- EXHIBIT 31.** Revised Plan Set; “Gristmill Village” Definitive Plan Conventional Development; submitted by J. M. Grenier Associates Inc.; 24” x 36” and 11” x 17”, black & white; dated March 13, 2015, revised through November 17, 2015; received November 18, 2015; includes the following:
- Sheet 1 of 17 ..... Cover Sheet
  - Sheet 2 of 17 ..... Existing Conditions Survey Plan
  - Sheet 3 of 17 ..... Existing Conditions Survey Plan
  - Sheet 1 of 2 ..... Property Plans
  - Sheet 2 of 2 ..... Property Plans
  - Sheet 6 of 17 ..... Layout Plans
  - Sheet 7 of 17 ..... Layout Plans
  - Sheet 8 of 17 ..... Grading and Drainage Plan
  - Sheet 9 of 17 ..... Utility Plan
  - Sheet 10 of 17 ..... Roadway Profile Plans
  - Sheet 11 of 17 ..... Roadway Profile Plans
  - Sheet 12 of 17 ..... Roadway Profile Plans
  - Sheet 13 of 17 ..... Roadway Profile Plans
  - Sheet 14 of 17 ..... Roadway Profile Plans
  - Sheet 15 of 17 ..... Erosion & Sedimentation Control Plan
  - Sheet 16 of 17 ..... Detail Plans
  - Sheet 17 of 17 ..... Detail Plans
- EXHIBIT 32.** Drainage Easement for 96 Pleasant Street; signed by Lee and Tracy Kaufman of 96 Pleasant Street and the Applicant; received November 16, 2015; 2 pages.
- EXHIBIT 33.** Exhibit “A” – Grant of Easement for 96 Pleasant Street; signed by Lee and Tracy Kaufman of 96 Pleasant Street and the Applicant; received November 16, 2015; 2 pages.
- EXHIBIT 34.** DRAFT Exhibit “B” – Release and Termination of Easement – 96 Pleasant Street and the Applicant; received November 16, 2015; 2 pages.
- EXHIBIT 35.** Grant of Sight Line Clearing Easement with Quitclaim Covenants, at 102 Pleasant Street, signed by Stephen A. Wilson on October 1, 2015; submitted on November 16, 2015; 1 page.

- EXHIBIT 36.** Email correspondence from John Grenier, RE: Gristmill – Traffic Study Condition; received November 20, 2015; 1 page.
- EXHIBIT 37.** Email Correspondence from Graves Engineering, RE: Gristmill – Traffic Study Condition; received November 20, 2015; 1 page.
- EXHIBIT 38.** Correspondence from Graves Engineering, Gristmill Village Definitive Plan and Stormwater Review; dated and received November 20, 2015; 4 pages.
- EXHIBIT 39.** Public Hearing Sign In Sheet, November 23, 2015; 1 page.
- EXHIBIT 40.** Written Request from Steve Venincasa for Public Hearing Continuance to November 30, 2015 and Extend the Date for Filing the Decision to December 1, 2015; received at the October 26, 2015 public hearing; 1 page.
- EXHIBIT 41.** Email correspondence from Grafton Water District, Gristmill Village – Proposed Subdivision; received November 30, 2015; 2 pages.

### **III. FINDINGS**

At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following findings:

- F1.) That this application is for a ten (10)-lot Conventional Development Definitive Subdivision Plan, and has evolved from a Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval, dated 5/19/14) granted by the Grafton Planning Board.
- F2.) That determinations regarding the following findings are based upon the Plans identified in this Decision, as well as the information and material submitted and presented in association with the Application.
- F3.) That determinations regarding the following findings are also predicated upon satisfactory completion of all road and other related improvements shown on the Plans in accordance with *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*, revised through 4/27/09 (hereinafter *Rules and Regulations*), except where modified by this Decision or MRSP 2013-9, as well as in accordance with all applicable Federal, State and other Local regulations.
- F4.) That determinations regarding the following findings are also predicated upon satisfying all of the conditions stated within this Decision and all applicable conditions of MRSP 2013-9.
- F5.) That the Applicant requested waivers from the following Sections of the *Rules and Regulations*:
- **Section 4.1.3.6** - requirement that proposed streets intersect adjacent streets at a minimum interval of six hundred feet (600'). It is noted that this waiver request was granted in the Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval.
  - **Section 4.1.6.3:** requirement that dead end streets and their extensions or segments, if any, shall not be shorter than one hundred fifty feet (150'), nor longer than five hundred feet (500').

- **Section 4.2.1.2** — Unless otherwise specified by the Planning Board, granite curbs of the dimensions given for granite curbs (Section M.9.04.1) Type VA4 shall be provided in the following locations along all other streets:
  - a) At intersections along the paving edge the distance of arcs of the curves plus a straight edge of eight feet (8') at the end of said arcs.
  - b) Along each edge of the roadway where the grade exceeds two percent (2%).
  - c) Along each edge of the roadway on all curves with the radius of less than two hundred fifty feet (250')
- **Section 5.3.2:** Sewers shall be installed in the center of the street nearly 'as practical at a minimum depth of seven feet six inches (7' 6") of cover in the travelled way.
- **Section 5.4.2.2:** At least four feet (4') of cover will be required over drain pipes. Where special conditions of topography and/or hydrology are deemed to justify the Board's approval of pipe with less than four feet (4') of cover the Board may require other materials or methods of construction to meet such conditions.
- **Schedule A & B** — Cross Sections: Standard Cross Section. Requirement of five feet (5') of cover over water pipes.

- F6.) That the data submitted satisfies the requirements of Section 3.3.1 of the *Rules and Regulations* regarding submission of a Definitive Plan.
- F7.) That the data submitted satisfies the requirements of Section 3.3.2 of the *Rules and Regulations* regarding Plan Sheets.
- F8.) That the materials and information submitted satisfy the requirements of Section 3.3.3 of the *Rules and Regulations* regarding Definitive Plan Contents.
- F9.) That the materials and information submitted satisfy the requirements of Section 3.3.4 of the *Rules and Regulations* regarding Additional Submittal Requirements. Some of the items were completed as part of the Major Residential Special Permit and Preliminary Plan Approval process (MRSP 2013-9) such as traffic study (Section 3.3.4.7) and staking (Section 3.3.4.3).

At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following findings:

- F10.) That during the public hearing the Board and the Board received testimony from abutters and area residents who expressed their concerns about the following:
  - Drainage on Grist Mill Road – the abutters noted that the drainage along Grist Mill Road was less than adequate in its current condition. Concerns were raised about the drainage from the site into the road which would exacerbate existing conditions. In addition, the abutters on Grist Mill Road wanted to know what would happen if the Detention basin on Lots 3 and 5 were to overflow due to an extreme rain event. The Applicant reviewed the plans noting that the basin is designed to drain into a pipe that goes downhill on Lot 3 and is piped along the site access to Grist Mill Road where it will connect to the existing drainage system in the

road. An emergency access spillway is a part of the design to direct any overflow away from the abutters on Grist Mill Road.

- Clear Cutting Wooded Slopes – A number of abutters and area residents raised concerns about the visual impacts, groundwater impacts, and habitat impacts associated with construction activity that would clear cut the wooded slope on the western area of the site. It was noted that wooded slope comprised a fairly significant portion of the site. The Applicant reviewed the existing site conditions noting that the proposed building envelopes would be in the flat, open area of the site. The Board and the Applicant discussed the impacts of clear cutting and a number of measures that could be implemented to minimize cutting. The Applicant agreed to revise the plans to reflect the limits of work along all the proposed lots to clearly identify the no cut area. In addition it was recommended that "no cut / no disturb areas" would be incorporated into each lot deed to ensure future protection of these resources.

- F11.) That during the public hearing the Board and the Applicant discussed the proposed width of the roadway. The Applicant stated their preference for a twenty two foot width for a number of reasons including reduced project costs related to paving material and that the development would be relatively small in scale in which a narrower road would be more visually appropriate. The Board noted that the Department of Public Works as well as the Fire Department noted their preference for a minimum roadway width of twenty four feet to accommodate equipment and emergency services coordination in the event that multiple vehicles were required to respond to an event.

The Applicant then requested that the Board consider the allowing for a bike lane within the roadway width in lieu of sidewalks which would allow for multi-purpose vehicle, bicycle and pedestrian environment (see EXHIBIT #9). The Applicant noted that development is small in scale and that the elimination of sidewalk would not detract from the overall development of the site. It was noted the elimination of the sidewalk from the design would require a waiver request from the Subdivision Rules and Regulations. The Board discussed the bike lane concept noting that there was no objection from the DPW or Fire Department on the inclusion of a delineated bike lane on the proposed road so long as the width was a minimum of twenty four feet. The Board noted that there was no local or regional bike path network to connect a bike lane outside of the development and that there would be no significant value added to the Town to justify the Applicant's proposal. The Board further discussed the nature of the requirement for a sidewalk in the Subdivision Rules and Regulations and determined that a separate, clearly defined, off road sidewalk provided a safer walking environment for the residents and visitors within the neighborhood than a combined bike lane / road environment.

- F12.) That during the public hearing the Board and the Applicant discussed the waiver request for the length of roadway. The proposed roadway design exceeds the maximum length by 99 feet. See WAIVER #W2.
- F13.) That during the public hearing the Board and the Applicant discussed the waiver request for curbing material. The Applicant stated their preference for Cape Cod berm instead of the required granite curbing. The Board reviewed a number of factors including maintenance, plowing, parking and emergency access. It was noted that the DPW stated their preference for sloped curbing to best accommodate their plowing operations. Cape Cod berm is softer than granite and requires ongoing maintenance and repair due to roadway maintenance operations such as snow plows. With regards to parking it was noted that a sloped curbing would accommodate a more flexible on street parking

environment in that vehicles could park partially off the roadway which would keep more of the travel area free and clear. The Board cited their preference for sloped granite curbing citing long range maintenance concerns. Vertical curbing associated with drainage structures continue to be required as specified in the Subdivision Rules and Regulations.

- F14.) That during the public hearing the Board and the Applicant discussed a request to consider allowing the sidewalk to be constructed with bituminous material instead of the required concrete to allow for a savings in construction costs. The Applicant noted that snow melts faster on the bituminous concrete which is helpful in facilitating snow removal. The Board cited long term maintenance issues as a concern as bituminous concrete breaks down quicker allowing weeds and other materials to cause erosion which can lead to a number of problems such as buckling.
- F15.) That during the public hearing the Board and the Applicant discussed the need for revised drainage easement with the abutter at 96 Pleasant Street due to project encroachment. It was noted that the abutter’s septic system would be compromised as a result of the encroachment. The Applicant agreed to work with the abutter to remove the existing septic system and connect the dwelling at 96 Worcester Street to the new sanitary sewer system (see EXHIBIT #38). The Board requested that the Applicant work with the abutter and submit the necessary documentation to ensure that all drainage easement issues are resolved. The Board finds that the Applicant complied (see EXHIBITS #32, #33, #34).
- F16.) That during the public hearing the Board and the Applicant discussed the tree planting scheme presented on the plans. The Applicant reviewed the spacing, location and number of trees to be planted. Discussion centered around the choice of species for aesthetic reasons and long term maintenance including pruning and adaptability to the region and zone. The Applicant stated that they were interested in planting Bradford or Cleveland Pear trees as they have had success with these varieties in other projects they have developed in New England. Public input was received indicating that decorative trees would be a nice aesthetic change from the standard types of trees found in other subdivisions. Concerns by staff and the Board were raised about the long term viability of these varieties in this climate. It was noted that the DPW and Tree Warden should be consulted in determining the best species from a long term maintenance perspective. With regards to location of trees, concern was raised about the trees proposed adjacent to the subsurface stormwater infiltration system near the entrance to the site and abutting 96 Pleasant Street. Roots from those trees could potentially compromise the system. It was recommended that the plan be revised to remove those trees. However, the removal of those trees would reduce the amount of screening from the abutter at 96 Pleasant Street. The Applicant agreed to work with the abutter to provide replacement screening in a mutually agreed upon location at the time of construction.
- F17.) That during the public hearing the Board and the Applicant discussed the identification of several Heritage Trees (as defined by the Town’s Shade Tree By-law) on site and specifically on Lots #3 and #5. The Board discussed the nature of protecting these trees during the construction phase and the long term protection after the lots were sold. It was agreed that the developer would establish a no cut / no disturb buffer area around the trees to protect them during construction. Concerns about long term protection of the trees after the lots are sold were discussed. It was recommended that deed restrictions be placed on the lots to ensure that future property owners were aware of any approved conditions pertaining to the protection and maintenance of those trees.

F18.) That during the public hearing the Board noted that the Sewer Department submitted comments with specific items to be addressed during construction (see EXHIBIT #6). The Applicant noted that these issues would be addressed at the appropriate time and that they would continue to coordinate with the Sewer Department as required.

At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mrs. Hassinger) voted 5-0 in favor to make the following findings:

F19.) With regard to the conditions of approval listed in MRSP 2013-9, the Board finds that:

- a.) With regard to **Condition # 1**, this Application is for a Conventional Development subdivision.
- b.) With regard to **Condition # 2**, the total number of lots intended for building purposes shown on the Definitive Plans does not exceed ten (10); this condition remains in full force and effect.
- c.) With regard to **Condition # 3**, fencing around the detention basin as been depicted on the plans. However, written approval from the Department of Public Works regarding locations(s), style / was not submitted as part of the revised Plan Set (EXHIBIT #31). Any changes made as part of the Conservation Commission's Order of Conditions will require Board determination as to the nature of the modification and any additional Board action required.
- d.) With regard to **Condition # 4**, all required information was provided. Additional measures regarding "no disturb, no cut" areas on Lots 4 through 10 are addressed in this Definitive Plan Approval Decision for the purpose addressing sensitivity to the natural systems on the site.
- e.) With regard to **Condition # 5**, the Applicant adequately addressed the issues screening and buffering on the plans and as conditioned in this Definitive Plan Approval Decision.
- f.) With regard to **Condition #6**, the Applicant adequately addressed the issues public safety requirements as depicted on the plans and as conditioned in this Definitive Plan Approval Decision.
- g.) With regard to **Condition #7**, the Applicant provided an executed sight easement for the intersection of Grist Mill Road and Pleasant Street, specifically from the property owner(s) at 102 Pleasant Street for the purposes of clearing vegetation and structures and the right to maintain sight lines for the purposes of public safety (see EXHIBIT #35).
- h.) With regard to **Condition #8**, the Applicant adequately addressed this Condition (see EXHIBIT #37).
- i.) With regard to **Condition #9**, the Definitive Plan was reviewed by the Sewer Department and Department of Public Works. Issues raised were addressed.
- j.) With regard to **Condition #10**, it is noted that the Applicant addressed the review comments submitted by Graves Engineering on April 10, 2014.
- k.) **Conditions # 11, #12, #13, #14, #15, #16 & #17** remain in full force and effect.
- l.) With regard to **Conditions # 18 and #19**, the Applicant recorded the MRSP Decision with the Worcester District Registry of Deeds (see EXHIBIT #30).
- m.) **Conditions # 20 and #21** remain in full force and effect.

#### IV. WAIVERS

**W1.** At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant’s request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 4.1.3.6** - requirement that proposed streets intersect adjacent streets at a minimum interval of six hundred feet (600'). It is noted that this waiver was granted in the Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval.

The Board notes that this waiver request was granted as part of the Major Residential Special Permit (MRSP 2013-9) & Site Plan Approval.

**W2.** At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mrs. Hassinger) voted 5-0 to **GRANT** the Applicant’s request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 4.1.6.3:** requirement that dead end streets and their extensions or segments, if any, shall not be shorter than one hundred fifty feet (150'), nor longer than five hundred feet (500').

The Applicant was denied the same waiver request as part of the Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval Decision for the following reasons (see EXHIBIT #24):

*“The Board discussed the waiver request in light of information provided by the Applicant. It was found that the Applicant did not provide enough information about the length and configuration of the proposed roadway in relation to the context of topographical and other site features. The Board noted that the Applicant had failed to adequately demonstrate that alternative layouts could be developed to justify the waiver request. The Board further noted that the Applicant would have the opportunity to present alternative layouts during the definitive plan phase and that a new waiver request could be submitted. The Board finds that the Applicant has not demonstrated a good faith effort to address the Board’s concerns regarding this waiver request in the context of the Town’s Zoning By-Law and the Subdivision Rules and Regulations.”*

**Board Review of Waiver Request:** The Board’s peer review engineer deferred to the Board in making a determination about this waiver request. The Board reviewed language in **Section 4.1.6.4** of the Subdivision Rules and Regulations that state:

*In the unusual event that topography or other site conditions justify a dead end street longer than five hundred feet (500'), and where there is a substantial public or conservation benefit to be achieved, the Planning Board may relax these standards (Section 4.1.6 – Dead End Streets).*

The Board reviewed the language of the Subdivision Rules and Regulations and took into account all of the input received during the public hearing process and submitted into the written record. Of concern was the need to balance waiver requests against the purpose of the Town's Subdivision Rules and Regulations, which were established to protect and promote the rural and semi-rural character of the Town when considering new development. The Board notes that it is bound to evaluate waiver requests based on the construct of the regulations in effect and determine if the waiver is warranted after weighing the public benefits being offered by the Applicant.

The Board notes that there are number of factors specific and unique to the site when considering the waiver request. The site is approximately nineteen acres in size with access to public ways at two points. The Grist Mill Road access was eliminated as viable access point during the Major Residential Special Permit (MRSP 2013-9) & Preliminary Plan Approval process for a number of factors (see EXHIBIT #23). The other point of access is from the site's Pleasant Street frontage which is primarily 50 feet wide (see EXHIBIT #1). This access strip runs approximately 250 linear feet until it reaches the main area of the site which then fans out to the north, south, and west. However, the roadway design for accessing the site is constrained by the configuration of the easterly abutting lots, one of which adds an additional 130 linear feet required to accommodate a roadway design before the proposed lots can be laid out in the main portion of the site. For all practical purposes, the roadway design must first traverse 380 feet to enter the site before lots and their frontage on the new roadway can begin. If the SRR requirement is to be satisfied, the balance of roadway allowance would be 120 feet of which to lay out lot frontage. Strict adherence to the SRR would drastically reduce the number of lots which could be developed on the site. According to the Applicant, development of infrastructure to support a drastically reduced lot count would not be financially feasible.

The Board further considered proposed plan as it relates to the surrounding neighborhood. The site is located an R40 zone. Abutting lots along the western (site) side of Pleasant Street are approximately one acre in size as are the lots on the abutting cu-de-sac on Cedar Hill Drive. Pleasant Street and Grist Mill Road both mark the line between an R40 zone and an R20 zone. A large neighborhood to the east is comprised of lots primarily ½ acre in size and the lots to the south along Grist Mill Road are ½ acre or larger. To the west and abutting the site is a large neighborhood comprised of ½ acre lots as the result of development plan built in the 1980's. The ten lots proposed range in size from 1 acre approximately 3 acres and are in keeping with the lot sizes abutting the site to the east and north.

Additional consideration was given to the site topography and the impacts to the abutters to the west. A site slopes up significantly to the western border of the site which is the rear lot lines for fourteen houses along Barbara Jean Street, all ½ acre lots. Several abutters expressed concern about visual, environmental and species habitat impacts if the project site were to be cleared to allow for lot development that would jeopardize the wooded slope. In consideration of the potential impacts, the Applicant agreed to allow for a "no disturb, no cut" deed restriction on portions of those lots which contain

significant slope which includes all proposed lot lines abutting the Barbara Jean neighborhood (see FINDING #F1).

W3. At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mr. Scully, seconded by Mr. Robbins) voted 5-0 to **DENY** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 4.2.1.2** — Unless otherwise specified by the Planning Board, granite curbs of the dimensions given for granite curbs (Section M.9.04.1) Type VA4 shall be provided in the following locations along all other streets:
  - a) At intersections along the paving edge the distance of arcs of the curves plus a straight edge of eight feet (8') at the end of said arcs.
  - b) Along each edge of the roadway where the grade exceeds two percent (2%).
  - c) Along each edge of the roadway on all curves with the radius of less than two hundred fifty feet (250')

**Applicant's Rationale for Waiver Request (EXHIBIT #12):** The Applicant is requesting a waiver to allow bituminous Cape Cod berm along all roadways except at the intersection of Millstone Drive and Pleasant Street (where vertical granite curb is proposed). To eliminate the necessity of multiple transitions between Cape Cod berm and granite curb within the subdivision, Cape Cod berm is proposed along all roadways except at the intersection of Pleasant Street and Millstone Drive, where vertical granite curb is proposed. See also: FINDING #F13.

**Board Review of Waiver Request:** The Board's peer review engineer deferred to the Board in making a determination about this waiver request. The Board finds that, based on FINDING #F13, that the Applicant did not present a compelling argument to grant the waiver request,

W4. At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mrs. Hassinger, seconded by Mr. Hassinger) voted 5-0 to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 5.3.2:** Sewers shall be installed in the center of the street nearly 'as practical at a minimum depth of seven feet six inches (7' 6") of cover in the travelled way.

Comments from the Board's peer review engineer, Graves Engineering (see EXHIBIT #15): *The minimum proposed cover over a sewer pipe is five feet two inches (5' 2'). This shallower depth will occur in the vicinity of SMH 2 in Pleasant Street at the intersection of Millstone Drive. The depth of cover was affected by the elevation of the terminal end of the existing sewer main and the existing topography along Pleasant Street and as such, we have no issue with the waiver request.*

The Board defers to the professional assessment provided by the peer review engineer.

W5. At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mr. Hassinger, seconded by Mr. Robins) voted 5-0 to **GRANT** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Section 5.4.2.2:** At least four feet (4') of cover will be required over drain pipes. Where special conditions of topography and/or hydrology are deemed to justify the Board's approval of pipe with less than four feet (4') of cover the Board may require other materials or methods of construction to meet such conditions.

**Peer Review Assessment** (see EXHIBIT #15): *Sheet 10 was revised to specify Class V RCP.*

The Board defers to the professional assessment provided by the peer review engineer.

W6. At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based upon the findings stated within this Decision, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to **DENY** the Applicant's request for the following Waiver from the *Rules and Regulations*, as specified below:

- **Schedule A & B:** Cross Sections: Standard Cross Section Requirement of five feet (5') of cover over water pipes

**Applicant's Rationale for Request** (EXHIBIT #12): To allow for gravity flow in the sewer system from the subdivision to the nearest available sewer manhole, it is necessary to have five feet two inches (5' 2") of cover over the sewer pipes at the intersection of Pleasant Street and Millstone Drive. In order to maintain eighteen inches (18") of separation between water and sewer, three feet (3') of cover is proposed over the water line where the water and sewer cross at this intersection. The water pipes will be insulated where five feet (5') of cover cannot be achieved.

The Applicant is requesting a waiver to allow three feet of cover. The Board's peer review engineer, Graves Engineering, requested that the Grafton Water District further review and comment on waiver request: "... the waiver request appears to be due to a conflict with the new sewer main that will be installed along Pleasant Street and into the subdivision. The sewer can't be lowered. I reviewed the plans and see that in order to provide 18" of clearance with the water over the sewer, there will be cover over the water of 2.6 feet to 3.0 feet. Alternatively, they could put the water under the sewer if they use the appropriate pipe materials and pressure testing protocol." (See EXHIBIT #41).

Comments received from the Grafton Water District on November 30, 2015 notes that the GWD does not support the waiver request (see EXHIBIT #41). The Board notes that this issue will need to be addressed and the plans will need to be revised prior to endorsement.

## **V. DECISION and CONDITIONS**

At their meeting of November 30, 2015, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Robbins, seconded by Mr. Hassinger) voted 5-0 to **APPROVE** the Application for Approval of a Definitive Subdivision Plan with the following conditions:

### **A. Standard Conditions**

1. This Approval shall not be construed as approving the buildability of any lots shown on the Plans. All applicable Federal, State or other Local permits/approvals must be obtained for each lot prior to construction on said lot.
2. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton Water District, Grafton Board of Sewer Commissioners/Sewer Department, Grafton Police Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.
3. Any modification to the approved Plans shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 3.3 of the *Subdivision Rules and Regulations*.
4. The Planning Board reserves the right, pursuant to the *Subdivision Rules and Regulations* and Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the subdivision. In accordance with the applicable sections of the *Subdivision Rules and Regulations* and the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
5. All site development and construction shall be performed in accordance with the approved Plans and the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 4/27/09), as well as with all applicable Federal, State and Town laws, ordinances and regulations. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision or any related Special Permit, the requirements of the *Rules and Regulations* shall apply. All required permits and approvals shall be secured by the Applicant at the appropriate stage of

construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.

6. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Decision. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any change in fencing requirements specified for the detention basin on Lots #3 and #5 shall require Planning Board review (see FINDING #F19c). Any modification of this Decision shall be made pursuant to Section 3.3 of the *Rules and Regulations*, and as noted within the Conditions of this Decision.
7. The Developer / Applicant shall meet the requirements of the Sewer Department as identified in EXHIBIT #6 and agreed upon by the Applicant (see FINDING #F18).
8. All grading and construction shall be performed in accordance with the Plan, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any non-permitted pollutants or siltation into waterways during construction or after completion of the subdivision.
9. Construction and installation of the roadway and municipal services shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m., and there shall be no construction activity on State or Federal holidays.
10. The Applicant, their successors and assigns, will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and municipal services necessary to adequately serve such lot has been completed in accordance with the approved Plans and the *Rules and Regulations*. In the event of a discrepancy between the Plans and the *Rules and Regulations*, and absent clarification or approval of such discrepancy stated within the Findings or Conditions of this Decision, the requirements of the *Rules and Regulations* shall apply.
11. The Definitive Plan shall be submitted for endorsement within six (6) months following approval.
12. This Definitive Plan Approval Decision shall be recorded in the Worcester District Registry of Deeds (WDRD) prior to any ongoing Town review and / or peer review associated with conditions set forth in this Decision. The Applicant shall submit evidence to the Planning Board that this Decision has been recorded at the WDRD, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number. Any such Plan(s) submitted to the Planning Board for approval shall contain reference to this Decision, as well as other related approvals, indicating that such plans are prepared pursuant to said Decision(s)/Approval(s) and shall include WDRD recording information, including Book and Page numbers. By recording this Definitive Plan Approval Decision in the Worcester Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision, and which acceptance shall bind the Applicant and its successors and assigns.
13. The Approved Definitive Plan, Drainage Easements, Sight Line Easement and Covenant shall be recorded at the Worcester District Registry of Deeds. The Applicant / Developer shall notify the Planning Board within ten (10) days of the recording of all pages of the approved documents and will

notify the Board in writing, presenting evidence of the recording (See Section 3.3.9.1 of the Subdivision Rules and Regulations.)

14. All construction and site improvements shall be completed within two years of the date of plan endorsement or thirty (30) months from the date of this Decision, whichever occurs sooner. This Decision shall lapse after said applicable time period, and no other work may occur, and the subdivision approval shall be deemed automatically rescinded unless the Planning Board grants an extension pursuant to the *Subdivision Rules and Regulations*. Requests for extensions shall require a public hearing in accordance with all applicable requirements for conducting such hearings.
15. Any inability or failure or refusal by the Applicant to comply with the Conditions of this Decision, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

**B. Conditions to be met prior to Plan Endorsement**

1. The Applicant shall resolve to the satisfaction of the Board, by an affirmative vote of at least three (3) Board members, all outstanding technical items identified in the comments submitted by Graves Engineering on November 20, 2015 (see EXHIBIT #38) which identifies the following work items:
  - a. Per MassDEP's Stormwater Handbook, an infiltration facility needs to be at least 100 feet from a well. It was estimated that the proposed the setback is approximately 88 feet from the abutter's well. The Board's peer review consultant, Graves Engineering, noted that *the plans should be clearer by providing a note on the utility plan (Sheet 9) that the dwelling at 96 Worcester Street is to be connected to the sanitary sewer system and that the existing septic system is to be removed in accordance with Title V requirements*. The Applicant shall revise the plan set to address this comment.
  - b. Although the design engineer replied that a cost estimate has now been provided as part of the operation and Maintenance Plan, we could not find the cost estimate. A cost estimate will need to be added to the project documents.
  - c. The revised hydrology computations are generally in order. There are two minor issues with modeling of the detention basin outlet. The outlet control structure consists of a grate and an outlet pipe for which only the grate was modeled. The first issue is that pipe's capacity is more restrictive than the grate, therefore the pipe should be included in the model. This revision will decrease the calculated peak discharge rate with minimal effect on the elevation to which water would be impounded in the basin. Secondly, for the record the grate should be modeled as rectangular instead of circular; nevertheless the capacity of the grate/pipe's outlet structure will be governed by the pipe so this revision will have no effect on the calculated discharge rates.
2. The Conditions set forth in this Decision shall be inscribed on a sheet of the Plans suitable for recording at the Worcester Registry of Deeds (WDRD). Such sheets shall be so recorded as part of the Definitive Plan. Reference to these Conditions, as well as the WDRD Book and Page number of the recorded Decision (see Condition A12) and the corresponding sheet numbers shall also be inscribed on any sheet(s) that do not contain the Conditions of Approval.
3. The plans shall be revised to sequentially to reflect the sheet numbers cataloged on the Cover Sheet, specifically Sheet 4 and Sheet 5.

4. The plans shall be revised to correct the typographical error regarding the waiver from Section 4.1.3.6 (not 3.1.3.6) on the Cover Sheet and Sheet 5.
5. The Applicant / Developer shall provide a performance guarantee pursuant to Section 3.3.8 of the Subdivision Rules and Regulations which state: "Construction and installation within the site property shall be secured by one, or in part by one and part by another, of the following methods which may, from time to time, be varied by the Applicant. Said security shall be posted and approved by the Planning Board prior to the construction, installation or sale of lots. Construction and installation within existing street right-of-ways shall be secured by surety as required under the Street Opening and / or other Permit(s)."
6. All applicable requirements of Section 3.3.7 of the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 4/27/09) shall be satisfied.
7. The Applicant shall revise the plans to reflect the requirements of the Grafton Water District regarding the amount of cover over the water line to be placed over the new sewer line at the intersection of the Pleasant Street and the new subdivision entrance road (see EXHIBIT #41 and WAIVER #W6). The Applicant shall work with the Grafton Water District and the Board's peer review engineer to ensure compliance with GWD requirements. The Applicant shall submit a letter of compliance from the Grafton Water District to the Planning Board to be entered into the project file.

**C. Conditions to be satisfied prior to the Start of Any Construction Activity**

1. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size, 24" x 36", endorsed and recorded plan sets, one of which shall be sent directly to the Town's peer review consulting engineer.
  - b. An electronic copy of the endorsed and recorded plan set. The electronic copy shall be in a "PDF" compatible format.
2. All visual obstructions including, but not limited to, vegetation, rocks and physical structures such as fencing associated with the sight easement at 102 Pleasant Street shall be removed by the Developer. Work shall be completed under the supervision and final approval of the Planning Board or its Agent in coordination with the Department of Public Works Highway Superintendent.
3. The Applicant / Developer shall submit acceptable construction and maintenance schedule documents in accordance with Section 3.3.7.3 of the the Subdivison Rules and Regulations.
4. Soil testing within the drainage easement as it relates to the Subsurface Recharge System is required considering the rock that was observed at test pit TP-1 (Millstone Drive station 2+50+/-). Two test holes are required. Work to be coordinated and witnessed by the Planning Board's agent and results are to be submitted to the Town and its agent. If the soil testing dos not fully support the current design of the infiltration system, design revisions shall be required and approved by the Planning Board in accordance with the Conditions of this Decision. (See EXHIBIT #38).
5. The Applicant / Developer shall install orange snow fencing around the limits of work as shown on Sheet 8 of the revised plan set (EXHIBIT #31) for the purpose of maintaining the existing tree cover as shown on the plan. Fencing shall be inspected by the Planing Board or its Agent and receive approval thereof prior to the commencement of construction activity on site. The Developer shall

maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or it's Agent to ensure compliance.

6. The Applicant / Developer shall install orange snow fencing around the Heritage Trees as shown on Sheet 8 of the revised plan set (EXHIBIT #31). The Developer will coordinate with the Town Planner and the Tree Warden to as to final location of the area to be set off by fencing. Installing of fencing shall be inspected by the Town Planner and Tree Warden and will receive approval thereof prior to the commencement of construction activity on site. The Developer shall maintain fencing throughout the construction of the development. The fencing shall be inspected periodically by the Board or it's Agent to ensure compliance
7. An initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commisison in the presence of a representative of the Applicant / Developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant / Developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional eroison control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant / Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Conservation Commission.
8. Prior to commencing any work within Pleasant Street, a public way, all required permits / approvals shall be obtained from the Grafton Department of Public Works.
9. In accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant / Developer. A copy of this document shall be forwarded to the Planning Board, Conservation Commission and Department of Public Works prior to commencing any construction activity.
10. Prior to commencing any site work, the Applicant or their desingee, the Town Planner, and the Planning Board's consulting engineer shall visit the site to establish a "no distrub area" around the Heritage Trees area on Lots 2 and 3. The rear detention basin and said "no distub" areas shall be delineated by erosion control fencing with orange construction fencing, which shall be maintained throughout construction.

**D. Conditions to be met During Construction**

1. The Site shall be inspected on a weekly basis by an agent of the Planning Board and/or Conservation Commission in the presence of a representative of the Applicant / Developer, in order to monitor the stormwater management system/facilities and erosion control/site stabilization measures. The frequency of inspections may be decreased only upon written authorization by the Planning Board and/ or its agent. The Applicant / Developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as agreed upon by both the Planning Board and Conservation Conservation Commission.

2. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
3. Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the *Subdivision Rules and Regulations*. All site improvements shall be inspected at the appropriate stage of construction in accordance with the *Rules and Regulations* and as required by the Board.
4. In no case shall additional filling or land disturbance occur that results in a steeper slope or a slope that encroaches on the roadway to a greater degree than shown on the plans without the expressed prior approval of the Planning Board.
5. The Town reserves the right to require reasonable additional construction techniques, for either on-site or off-site work, in response to actual field conditions, effects of construction methods and as the situation warrants. This may include, without limitation, earth work, purchase and installation of materials, infrastructure, etc., and lot drainage issues.
6. Driveway slopes, both within and outside the right-of-way shall comply with the *Subdivision Rules and Regulations*, and development of individual lots shall not cause detrimental drainage, erosion or sedimentation onto adjacent property, roadways or lots. Driveways shall not exceed 10% in slope without prior approval by the Planning Department and Fire Department.
7. All construction vehicles and vehicles of all workers are to be parked on site. Parking of construction vehicles on Pleasant Street is specifically prohibited, except during the period of the initial clearing of the property. Parking of construction vehicles on Grist Mill Road is specifically prohibited both during the period of the initial clearing of the property and during any phase of construction.
8. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties. Any sediment or dirt tracked onto public ways shall be swept prior to the end of the construction day.
9. Once the plant materials associated with the approved tree plan have arrived on site, and prior to their installation, the Planning Board's agent shall be contacted to arrange an inspection and to approve the size, quantity and species of plant materials prior to their installation in the ground. De minimus changes limited to the exact location of species and planting materials may be approved by the Town Planner upon consultation with the Tree Warden provided the intent of the material is maintained.

**E. Conditions to be met prior to Release of Lots or Reduction of Surety**

1. Deed restrictions for Lots 4 through 10 which delineate "no disturb, no cut" areas for each lot shall be submitted to the Planning Board or its agent for approval. Draft "no disturb area" deed language shall be submitted for approval to the Planning Board or its Agent. Final approval of draft deed restriction language shall be granted via correspondence from the Planning Board or its agent. The Applicant / Developer shall be responsible for recording the approved deed restrictions at the Worcester District Registry of Deeds (WDRD) and provide evidence to the Planning Board, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number. All lot release requests submitted to the Planning Board will include reference to the deed restrictions on said lots.

2. The “no disturb, no cut” area around the Heritage Trees on Lots 3 and 5 identified on the plans shall be referenced as “no disturb areas” and will be protected through deed restrictions to be filed at the Worcester District Registry of Deeds. Draft “no disturb area” deed language shall be submitted for approval to the Planning Board or its Agent. Final approval of draft deed restriction language shall be granted via correspondence from the Planning Board or its agent. The Applicant / Developer shall be responsible for recording the approved deed restrictions at the Worcester District Registry of Deeds (WDRD) and provide evidence to the Planning Board, including a copy of such recording bearing the WDRD Book and Page Number and/or Instrument Number. All lot release requests submitted to the Planning Board will include reference to the deed restrictions on said lots.
3. The Applicant shall submit to the Planning Board written approval from the Grafton DPW Highway Superintendent / Tree Warden a Tree Plan for the proposed species of trees to be used as street trees. The plan submitted for endorsement by the Board shall include all relevant details for said trees (e.g., size, type, planting details, etc.) as approved by the Tree Warden/DPW Director. The Developer shall be responsible for providing additional screening along the abutting property line with 96 Pleasant Street as discussed during the public hearing (see EXHIBIT #16)/
4. As per Section 3.3.10 of the *Subdivision Rules and Regulations*, prior to the release of any lot or reduction in surety, executed documents in a form acceptable to the Town shall be submitted that grant to the Town all rights regarding the roadway, drainage easements and all other infrastructure.
5. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the release of any lot within that portion of the subdivision.

**F. Conditions to be met prior to the Issuance of either a Temporary or Permanent Occupancy Permit**

1. The Building Inspector shall require proof of the following in consultation with the Town Planner:
  - a. A valid and duly recorded Lot Release for said lot in question.
  - b. Proof of final approval of the Tree Plan as it pertains to the lot in question. The Town reserves the right to conduct a site inspection of lot to verify that the approved Tree Plan continues to remain valid. In the event that the plant material has failed (either by death or disease) new material will be installed at the expense of the Property Owner and / or its Agent or Builder in accordance with Condition G3. All work to replace plant material will be done to the satisfaction of the Planning Board or its agent and must receive final written approval to be submitted into the Planning Department project file and provided to the Building Department prior to the issuance of an occupancy permit.

**G. Conditions to be met prior to Request for Determination of Completeness**

1. Prior to acceptance of the way and improvements by the Town, a determination shall be made by the Planning Board, through its designated consulting engineer, as to whether the detention basins, as well as all other improvements, are constructed and operate as designed on the approved plan(s). If a negative determination is made, the Applicant shall, at their own expense, remedy any and all deficiencies to the satisfaction of the Board.
2. A final inspection by the Police Department and Department of Public Works will be conducted to ensure that all public safety signage and roadway markings have met the required standards. The Town

reserves the right to require additional public safety controls in the event that site conditions may warrant. The Applicant / Developer shall be responsible to submitting a final approval from both the Police Department and the Department of Public Works that the all signs and other public safety controls have been identified and installed to their satisfaction. This Condition does not nullify or negate the requirements set forth in Section 3.2.11.2.d (Written Evidence of Compliance from Superintendent of Streets) of the Subdivision Rules and Regulations during the Determination of Completeness Review.

3. The Planning Board or its designated agent shall inspect all plantings to ensure that all the plantings have been installed as specified on the approved Tree Plan.

## VI. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Applicant's Definitive Plan Approval Application with Conditions based on the information received at the public hearing and the aforementioned findings.

|                                      |            |                                |            |
|--------------------------------------|------------|--------------------------------|------------|
| <u>Sargon Hanna, Chairman</u>        | <u>AYE</u> | <u>Linda Hassinger, Member</u> | <u>AYE</u> |
| <u>Michael Scully, Vice Chairman</u> | <u>AYE</u> | <u>David Robbins, Member</u>   | <u>AYE</u> |
| <u>Robert Hassinger, Clerk</u>       | <u>AYE</u> |                                |            |

## DATE OF FILING OF DECISION: BY ORDER OF THE BOARD

  
\_\_\_\_\_  
Joseph Laydon, Town Planner

12-1-2015  
\_\_\_\_\_  
Date

cc: Applicant

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Owner</li><li>• Graves Engineering</li><li>• Assistant Town Engineer</li></ul> | <ul style="list-style-type: none"><li>• Building Inspector</li><li>• Conservation Commission</li><li>• Board of Assessors</li></ul> |
|--|---|

**To Whom It May Concern:** This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

\_\_\_\_\_  
Donna Girouard, Town Clerk

\_\_\_\_\_  
Date